

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 800

Introduced by Senator Simitian

February 22, 2005

~~An act to add Section 21809 to the Vehicle Code, relating to vehicles. An act to amend, repeal, and add Section 25253 of, and to add and repeal Section 21089 of, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Simitian. Vehicles: tow trucks: authorized emergency vehicles: avoidance on highway: *flashing amber warning lights*.

(1) Existing law requires the driver of a vehicle, upon the immediate approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, as specified, to yield the right-of-way and immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon stop and remain stopped until the authorized emergency vehicle has passed, except as otherwise directed by a traffic officer.

This bill would require a person driving a vehicle ~~approaching an authorized emergency vehicle that has stopped and is displaying warning lights, or a tow truck that has stopped and is displaying flashing amber warning lamps, except as otherwise directed by a traffic officer, to (a) merge out of the lane closest to the authorized emergency vehicle, if on a highway marked for 2 or more lanes of traffic traveling in each direction, and traveling in the lane adjacent to the emergency vehicle or tow truck; (b) slow to a speed that is safe under the existing weather, road conditions, and vehicular or~~

~~pedestrian traffic, and proceed with due care and caution or as directed by a traffic officer, if on a highway marked for 2 or more lanes of traffic traveling in each direction, and the approaching vehicle is in a lane adjacent to the authorized emergency vehicle or tow truck, but the maneuver described in (a) would be unsafe or impractical due to weather or road conditions or the presence of pedestrians or vehicular traffic conditions in the adjacent lane, or because the maneuver would place the approaching vehicle in the same lane as the authorized emergency vehicle or tow truck; or (c) slow to a speed that is safe under the existing weather, road conditions, and vehicular or pedestrian traffic conditions, and proceed with due care and caution or as directed by a traffic officer, if on a highway marked for only one lane of traffic traveling in each direction.~~ *on a freeway approaching a stationary authorized emergency vehicle that is displaying emergency lights, or a stationary tow truck that is displaying flashing amber warning lights, to approach with due caution and, before passing in a lane adjacent to the authorized emergency vehicle or tow truck, absent any other direction by a peace officer, proceed to either make a lane change in an available lane, as specified, or, if that maneuver would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.*

This bill would repeal this requirement on January 1, 2009.

The bill would make a violation of these requirements an infraction, punishable by a specified fine. The bill thereby would establish a state-mandated local program by creating a new crime.

(2) *Existing law requires tow trucks used to tow disabled vehicles to be equipped with flashing amber warning lamps and authorizes tow trucks to display flashing amber warning lamps while providing service to a disabled vehicle.*

This bill would prohibit a tow truck from displaying flashing amber warning lamps on a freeway except when an unusual traffic hazard or extreme hazard exists. A violation of this prohibition would be a crime, pursuant to other provisions of law, thereby imposing a state-mandated local program by creating a crime. The bill would repeal this prohibition on January 1, 2009.

(3) *The bill would require the Department of the California Highway Patrol, by January 1, 2008, to submit a report to the Legislature regarding the effect of the changes made by this bill on the safety of emergency responders and the motoring public.*

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 21809 is added to the Vehicle Code, to read:

21809. (a) A person driving a vehicle ~~approaching an authorized emergency vehicle that has stopped and is displaying warning lights, or a tow truck that has stopped and is displaying flashing amber warning lamps, shall do one of the following, except as otherwise directed by a traffic officer:~~

(1) ~~If on a highway marked for two or more lanes of traffic traveling in each direction, and the approaching vehicle is in a lane adjacent to the authorized emergency vehicle or tow truck, merge out of that lane, so as to leave one lane between the approaching vehicle and the authorized emergency vehicle or tow truck, if that maneuver is both practical and safe. If the maneuver described in this paragraph is not practical or safe because it would place the approaching vehicle in the same lane as the tow truck or authorized emergency vehicle, or because of weather or road conditions or the presence of pedestrians or traffic in the adjacent lane, the person shall proceed as described in paragraph (2).~~

(2) ~~If on a highway marked for two or more lanes of traffic traveling in each direction, and the approaching vehicle is in a lane adjacent to the authorized emergency vehicle or tow truck, but the maneuver described in paragraph (1) would be unsafe or impractical due to weather or road conditions or the presence of pedestrians or vehicular traffic in the adjacent lane, or because the maneuver would place the approaching vehicle in the same lane as the authorized emergency vehicle or tow truck, slow to a speed that is safe under the existing weather, road conditions, and~~

1 vehicular or pedestrian traffic conditions, and proceed with due
2 care and caution or as directed by a traffic officer.

3 ~~(3) If on a highway marked for only one lane of traffic~~
4 ~~traveling in each direction, slow to a speed that is safe under the~~
5 ~~existing weather, road conditions, and vehicular or pedestrian~~
6 ~~traffic conditions, and proceed with due care and caution or as~~
7 ~~directed by a traffic officer.~~ *on a freeway approaching a*
8 *stationary authorized emergency vehicle that is displaying*
9 *emergency lights, or a stationary tow truck that is displaying*
10 *flashing amber warning lights, shall approach with due caution*
11 *and, before passing in a lane adjacent to the authorized*
12 *emergency vehicle or tow truck, absent any other direction by a*
13 *peace officer, proceed to do one of the following:*

14 *(1) Make a lane change in an available lane not adjacent to*
15 *the authorized emergency vehicle or tow truck with due regard*
16 *for safety and traffic conditions, if practicable and not prohibited*
17 *by law.*

18 *(2) If the maneuver described in paragraph (1) would be*
19 *unsafe or impracticable, slow to a reasonable and prudent speed*
20 *that is safe for existing weather, road, and vehicular or*
21 *pedestrian traffic conditions.*

22 *(b) A violation of this section is an infraction, punishable by a*
23 *fine of not more than fifty dollars (\$50).*

24 *(c) This section shall remain in effect only until January 1,*
25 *2009, and as of that date is repealed, unless a later enacted*
26 *statute, that is enacted before January 1, 2009, deletes or extends*
27 *that date.*

28 *SEC. 2. Section 25253 of the Vehicle Code is amended to*
29 *read:*

30 25253. (a) Tow trucks used to tow disabled vehicles shall be
31 equipped with flashing amber warning lamps. This subdivision
32 does not apply to a tractor-trailer combination.

33 (b) Tow trucks may display flashing amber warning lamps
34 while providing service to a disabled vehicle. A flashing amber
35 warning lamp upon a tow truck may be displayed to the rear
36 when the tow truck is towing a vehicle and moving at a speed
37 slower than the normal flow of traffic.

38 (c) *A tow truck shall not display flashing amber warning*
39 *lamps on a freeway except when an unusual traffic hazard or*
40 *extreme hazard exists.*

1 *(d) This section shall remain in effect only until January 1,*
2 *2009, and as of that date is repealed, unless a later enacted*
3 *statute, that is enacted before January 1, 2009, deletes or extends*
4 *that date.*

5 *SEC. 3. Section 25353 is added to the Vehicle Code, to read:*

6 25353. *(a) Tow trucks used to tow disabled vehicles shall be*
7 *equipped with flashing amber warning lamps. This subdivision*
8 *does not apply to a tractor-trailer combination.*

9 *(b) Tow trucks may display flashing amber warning lamps*
10 *while providing service to a disabled vehicle. A flashing amber*
11 *warning lamp upon a tow truck may be displayed to the rear*
12 *when the tow truck is towing a vehicle and moving at a speed*
13 *slower than the normal flow of traffic.*

14 *(c) This section shall become operative January 1, 2010.*

15 *SEC. 4. On or before January 1, 2008, the Department of the*
16 *California Highway Patrol shall submit a report to the*
17 *Legislature regarding the effect of the changes made by this act*
18 *on the safety of emergency responders and the motoring public.*

19 ~~SEC. 2.~~

20 *SEC. 5. No reimbursement is required by this act pursuant to*
21 *Section 6 of Article XIII B of the California Constitution because*
22 *the only costs that may be incurred by a local agency or school*
23 *district will be incurred because this act creates a new crime or*
24 *infraction, eliminates a crime or infraction, or changes the*
25 *penalty for a crime or infraction, within the meaning of Section*
26 *17556 of the Government Code, or changes the definition of a*
27 *crime within the meaning of Section 6 of Article XIII B of the*
28 *California Constitution.*